S.B.Cr.Misc. Bail Application No.5348/2007

(Khangar Singh vs. State of Rajasthan)

Date of order : November 19, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sandeep Mehta, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary. I have carefully gone through statements of the prosecutrix and the eye-witness.

It is contended by the learned counsel for the petitioner that there is delay of 7 days in lodging the FIR and prior to the occurrence, there had been a proceeding under section 107 Cr.P.C. between the parties.

From perusal of the police investigation diary, more particularly the statements of victim, the prosecutrix and the eye-witness, it appears that the petitioner removed his pants and lifted the petticoat of the prosecutrix and was bent upon to rape on her. Had she not been rescued by the eye-

witness, who came to the place of occurrence on hearing the cries of the prosecutrix, the petitioner could have committed rape on her. In this view of the matter, in my view, at this stage, it is not a fit case to release the petitioner on bail since the matter is at the investigation stage.

The bail application filed by the petitioner under section 439 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-